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Attorneys for Plaintiff  
ELECTRONIC ARTS INC.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

ELECTRONIC ARTS INC.

Plaintiff,

v.

ZYNGA INC.,

Defendant.

CASE NO.

COMPLAINT FOR COPYRIGHT  
INFRINGEMENT, 17 U.S.C. §§ 106 ET  
SEQ. AND 501.

DEMAND FOR JURY TRIAL

ORIGINAL  
FILED

AUG - 3 2012

RICHARD W. WIRTH  
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NORTHERN DISTRICT OF CALIFORNIA

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CV 12 409 9

1 Plaintiff Electronic Arts Inc. (“EA” or “Plaintiff”), by and through its attorneys, brings  
 2 this Complaint against Defendant Zynga Inc. (“Zynga” or “Defendant”) for injunctive relief and  
 3 damages under the laws of the United States. EA alleges as follows:

#### 4 NATURE OF THE ACTION

5 1. This action arises out of Zynga’s infringement of EA’s copyrights in its online  
 6 game on Facebook, *The Sims Social*. *The Sims Social* is one of the latest games in EA’s iconic,  
 7 world-renowned franchise, *The Sims*. In *The Ville*, Zynga’s recently released game on Facebook,  
 8 Zynga has copied and misappropriated the original and distinctive expressive elements of *The*  
 9 *Sims Social* in violation of United States copyright laws.

10 2. Developed by the EA studio Maxis and originally released in 2000 for the personal  
 11 computer (“PC”), *The Sims* is widely recognized as one of the most original and revolutionary  
 12 video games of all time. Unlike established video games at the time, which dictated a fixed game  
 13 progression (such as winning car races, killing enemies or scoring touchdowns), *The Sims* gave  
 14 *players* the ability to create and customize their own virtual persons, known as “Sims,” including  
 15 their physical appearance, clothing, and personality traits. Players have the freedom to draw upon  
 16 the game’s highly creative and original expressive elements to give life to the choices that they  
 17 make for their Sims. For example, players can build a home for their Sims and furnish it with  
 18 decorative objects, furniture, and appliances. Players also must satisfy a Sim’s physical and  
 19 social needs in order to keep them happy, such as eating, resting, interacting with other Sims and  
 20 even becoming romantically involved. All of this is presented to the user through unique audio-  
 21 visual elements that create a highly distinctive game universe. *The Sims* was the first game of its  
 22 kind, and to this day is regarded as one of the most creative video games ever developed.

23 3. With *The Sims Social*, EA’s Maxis studio brought the highly creative and original  
 24 universe and gameplay of *The Sims* to the Facebook platform, allowing users to interact with their  
 25 Facebook friends as fellow Sims in the game. Upon its release in August 2011, *The Sims Social*  
 26 became an instant hit on Facebook, rapidly gaining tens of millions of users. *The Sims Social* at  
 27 one point became the second most popular game on Facebook, surpassing Zynga’s flagship  
 28 product *FarmVille*.

4. As *The Sims Social* increased in popularity and visibility, Zynga turned to its well-known competitive playbook: “Steal someone else’s game. Change its name,”<sup>1</sup> then cross-promote the Zynga clone to its extensive user base. It has been widely reported that much of Zynga’s current position in the online social gaming market is not the result of creative development and innovation, but rather has been achieved through cloning rivals’ games.

5. Zynga’s *The Ville*, released on June 26, 2012, is an unmistakable copy of EA’s *The Sims Social*. Not only does *The Ville* blatantly mimic the entire framework and style of gameplay in *The Sims Social*, but it so closely copies the original, creative expression and unique elements of *The Sims Social* — i.e., the animation sequences, visual arrangements, characters’ motions and actions, and other unique audio-visual elements — that the two games are nearly indistinguishable. *The Ville* was not an attempt to innovate on a game concept — it was an intentional effort to copy EA’s creative work.

6. The obvious replication of *The Sims Social* in *The Ville* has been immediately and widely recognized. As third-party reviews of *The Ville* have stated,

- “[E]very trait that has made *The Sims* iconic has been rehashed by Zynga. Characters in *The Ville* communicate via pictographs and a garbled language [as in *The Sims*]. Even their bodily gestures are eerily similar to what you find in *The Sims*.”<sup>2</sup>
- “[I]t looks shockingly similar to Electronic Arts’ *The Sims Social*, and frankly, at times, it is hard to tell the two apart.”<sup>3</sup>
- “*The Ville* bears such a striking resemblance to *The Sims* we’d be surprised if the average person could tell the difference between the two games.”<sup>4</sup>
- “[I]t was hard not to ignore [*The Ville*’s] glaring resemblances to one of the longest running, most popular simulation games ever: *The Sims*, especially EA’s *Sims Social*

<sup>1</sup> <http://www.sfweekly.com/2010-09-08/news/farmvillains/>.

<sup>2</sup> <http://www.gamezebo.com/games/ville/review>.

<sup>3</sup> <http://allthingsd.com/20120626/zynga-taking-on-eas-sims-social-with-its-next-game-called-the-ville/>.

<sup>4</sup> <http://mashable.com/2012/06/26/zynga-the-ville/>.

1 for Facebook. In an area where Maxis and EA planted their flag firmly, wouldn't it be  
2 hard to blatantly copy them? Apparently not.”<sup>5</sup>

3 7. To remedy Zynga's willful infringement, EA brings this suit for injunctive relief  
4 and damages, and Zynga's unjust profits, gains and advantages as a proximate result of its  
5 infringement under the Copyright Act of 1976, as amended, 17 U.S.C. § 101 et seq.

### 6 THE PARTIES

7 8. EA is a Delaware corporation and has its principal place of business in Redwood  
8 City, California.

9 9. Zynga is a Delaware corporation and has its principal place of business in San  
10 Francisco, California.

### 11 JURISDICTION AND VENUE

12 10. EA brings this action pursuant to the Copyright Act, 17 U.S.C. §§ 106 and 501.

13 11. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C.  
14 §§ 1331 and 1338(a).

15 12. Venue is proper in this District because Zynga resides in the District and is subject  
16 to personal jurisdiction within it, 28 U.S.C. § 1391.

### 17 INTRADISTRICT ASSIGNMENT

18 13. This is an Intellectual Property Action to be assigned on a district-wide basis  
19 pursuant to Civil Local Rule 3-2(c).

### 20 FACTUAL ALLEGATIONS

#### 21 **EA and Maxis' Groundbreaking, Highly Successful Sims Franchise**

22 14. EA is a developer, publisher, and distributor of video games. Founded and  
23 incorporated in May 1982, EA was a leading pioneer of the early PC games industry. Today, EA  
24 is one of the largest video game developers and publishers in the world. It develops and  
25 publishes games for several platforms, including video game consoles and PCs, and Internet  
26 browser-based platforms such as Facebook.

27 <sup>5</sup> [http://mashable.com/2012/07/02/zynga-games-similar-to-others/#view\\_as\\_one\\_page-](http://mashable.com/2012/07/02/zynga-games-similar-to-others/#view_as_one_page-gallery_box6267)  
28 [gallery\\_box6267](http://mashable.com/2012/07/02/zynga-games-similar-to-others/#view_as_one_page-gallery_box6267).

15. One of EA's most successful and established video game franchises is *The Sims*. *The Sims* was developed by the EA studio Maxis and originally released for the PC in February 2000. Unlike established popular video games at the time, which involved traditional gameplay themes such as fantasy, battles or science fiction and that dictated the role of the player within the game, in *The Sims* players create virtual persons, known as "Sims," and develop and manage the lives of their Sims in a virtual environment. Within *The Sims* universe, players are free to engage in most any activity they desire, subject to their Sims' needs and wants.

16. The following is an image of gameplay from *The Sims*:



17. In recognition of its uniqueness, *The Sims*, upon its release, was heralded as a groundbreaking, innovative game. It won numerous awards in the industry. GameSpot, a leading website for game reviews, gave *The Sims* its "Game of the Year" award for 2000, stating that the "game simply defies categorization" and is "such a remarkable game" because "its central conflict is essentially life itself."<sup>6</sup>

18. In *The Sims*, players are represented by Sims, which players create themselves. Besides the traditional character creation choices such as physical appearance and clothing, players have the freedom to draw upon the game's highly creative, expressive audio-visual elements to give life to the choices that they make for their Sims. For example, giving a Sim a

<sup>6</sup> [http://www.gamespot.com/gamespot/features/pc/bestof\\_2000/p5\\_02.html](http://www.gamespot.com/gamespot/features/pc/bestof_2000/p5_02.html).

1 “Grouchy” personality will make them argumentative in conversation, and choosing an “Active”  
2 personality will cause a Sim to spend time on athletics, all of which is displayed to the user in a  
3 unique and original manner.

4 19. Players have the option for their Sims to learn skills and follow career paths. For  
5 example, players can choose to find a job, which allows Sims to earn *Sims* money, known as  
6 “Simoleans.” Or, players can choose to learn to cook particular dishes, which helps satisfy the  
7 Sims’ hunger needs. The players’ choices dictate what skills and careers, if any, the Sims  
8 develop.

9 20. The players follow their Sims with an isometric, bird’s-eye view of their  
10 characters’ lives inside their homes. Players can watch as they direct their Sims going about their  
11 daily business, *e.g.*, waking up, making the bed, washing up, watching television together,  
12 listening and dancing to music, engaging in romantic endeavors, and more. The choices of  
13 activities are numerous and differ from player to player based on the player’s selections. Further,  
14 players can purchase appliances, furniture, instruments, and other items, and expand their Sims’  
15 homes, which means more room for more goods and more Sims.

16 21. Each Sim has a set of fluctuating needs. These needs include basic bodily needs,  
17 such as hunger, energy, comfort, hygiene, and bladder needs, and players must act accordingly by  
18 eating, resting, washing themselves, and relieving as necessary. Each Sim also has a “social”  
19 need, which requires the Sim to interact with other Sims in the game. In interacting with other  
20 Sims, players can choose from a series of actions that will either raise or lower relationship scores  
21 between Sims, which in turn can result in unlocking more interaction options. Players can choose  
22 friendly interactions, such as complimenting or dancing with a Sim, romantic interactions such as  
23 flirting or cuddling with a Sim, or mean interactions, such as insulting a Sim. “Fun” also is a  
24 need in *The Sims*; like real people, Sims need to enjoy themselves once in a while. Fun activities  
25 include listening to or playing music, watching television, playing video games, playing with  
26 pets, reading, or sitting down to a game of chess. The personality type of a Sim will determine  
27 how much enjoyment they receive from certain activities, *e.g.*, an introverted Sim may receive  
28 more pleasure from reading than interacting with other Sims.

22. Sims do not speak English to one another, but rather speak “Simlish,” a garbled language of made-up words, thus leaving the meaning of the language to the imagination of the players. When Sims converse, sleep, or when their needs are unmet, thought bubbles appear above their heads with a symbol representing what the Sims are talking or thinking about.

23. In the years since its release, *The Sims* continues to be recognized as one of the most original, creative, and important video games of all time. Wired Magazine named *The Sims* the most influential game of the decade, stating that the game has “had a profound influence on videogames in a dozen different ways,” was “revolutionary,” and “to a greater extent than anything else released this decade, broadened the definition of what a game could be.”<sup>7</sup> Gamespot declared *The Sims* one of the “Greatest Games of All Time,” noting that “[w]hile *The Sims* was certainly revolutionary, it wasn’t simply the revolution that makes it one of the greatest games of all time. Like all truly great games, it is the timeless and continually entertaining gameplay that makes *The Sims* so worthwhile.”<sup>8</sup> Forbes Magazine declared *The Sims* one of the “Most Revolutionary Videogames Of All Time.”<sup>9</sup> The website Gamasutra selected *The Sims* as one of the top 12 games of the decade, declaring that “*The Sims* is important, and has left an indelible mark on gaming.”<sup>10</sup>

24. As of July 2012, *The Sims* franchise had sold more than 150 million copies worldwide, making it one of the best-selling game franchises ever.<sup>11</sup> The franchise includes a number of expansion packs and sequels to *The Sims*, including *The Sims 2*, *The Sims 3*, *The Sims*

<sup>7</sup> <http://www.wired.com/gamelife/2009/12/the-15-most-influential-games-of-the-decade/all/>.

<sup>8</sup> <http://www.gamespot.com/features/the-greatest-games-of-all-time-the-sims-6140577/>.

<sup>9</sup> [http://www.forbes.com/2009/12/07/video-games-wii-technology-revolutionaries-09-games\\_slide\\_12.html](http://www.forbes.com/2009/12/07/video-games-wii-technology-revolutionaries-09-games_slide_12.html).

<sup>10</sup> [http://www.gamasutra.com/view/feature/4227/gamasutras\\_top\\_12\\_games\\_of\\_the\\_.php](http://www.gamasutra.com/view/feature/4227/gamasutras_top_12_games_of_the_.php). See also “The 20 most important games of the decade,” <http://www.gamesradar.com/the-20-most-important-games-of-the-decade-text-edition/?page=4> (#4 on the list and declaring *The Sims* a “revolution”); “Favorite Video Game of the Decade,” <http://www.geeksugar.com/Sims-Wins-Favorite-Video-Game-Decade-GeekSugar-6782319> (awarding *The Sims* the favorite video game of the decade award).

<sup>11</sup> <http://gamesandimpact.org/the-sims/>.



1 *Stories, MySims, The Sims Online, The Sims Medieval, The Sims Carnival, The Sims Freeplay*  
 2 (playable on smartphones and the iPad), and *The Sims Social* for Facebook. The original *The*  
 3 *Sims* alone has sold more than 16 million copies, making it the best-selling PC game in history.<sup>12</sup>

#### 4 **EA's *The Sims Social***

5 25. On August 9, 2011, EA's Maxis studio brought the highly creative universe of *The*  
 6 *Sims* to Facebook for the first time by releasing *The Sims Social*. Continuing *The Sims* tradition,  
 7 in *The Sims Social* users create customized Sims with their own unique appearance, personalities,  
 8 and traits, fulfill their Sims' hunger, hygiene, bladder, sleep, social and fun needs/motives, and  
 9 earn Simoleons and other forms of currency. Likewise, players can create their own homes and  
 10 purchase various items to decorate their homes, develop various skills (such as cooking or music),  
 11 aspire to a career, obtain traits, and craft special potions that can provide benefits to their Sims.

12 26. Below is an image of gameplay from *The Sims Social*:



23 27. Just as was the case in *The Sims*, in *The Sims Social* players can interact with other  
 24 Sims in the game, speaking “Simlish” with thought bubbles. What is different in *The Sims Social*  
 25 is that the characters with whom players interact include their Facebook friends who are also  
 26 playing the game. Players can add their Facebook friends as neighbors and visit their houses in

27  
28 <sup>12</sup> <http://www.tomshardware.com/picturestory/587-best-selling-game-list.html>.



1 *The Sims Social*, and Sims can become friends, romantic partners, or rivals. Players also can send  
 2 and receive gifts from their friends to finish certain quests or obtain objects, and may need to send  
 3 help requests to friends to complete certain tasks. Users can earn virtual Sims currency through  
 4 gameplay, and they can use that virtual money to buy virtual goods within *The Sims Social*.  
 5 Players also can use real world currency to buy virtual energy and goods.

6 28. EA announced the upcoming launch of *The Sims Social* in early June 2011. There  
 7 was widespread anticipation and excitement for the arrival of the *Sims* franchise on Facebook.

8 29. When it launched in August 2011, *The Sims Social* became an instant hit on  
 9 Facebook. The game added over 16 million users in its first three weeks, and has accumulated  
 10 over 30 million players since its release, becoming one of the fastest growing Facebook games of  
 11 all time.<sup>13</sup> *The Sims Social* at one point surpassed Zynga's *Farmville* to become the second most-  
 12 popular game on Facebook.<sup>14</sup> According to a report by the video gaming website Raptr, *The Sims*  
 13 *Social* gained users at the expense of Zynga games. The report concluded that *The Sims Social*'s  
 14 growth had resulted in a 10%-25% decrease in playtime of Zynga's top games, including  
 15 *FarmVille* and *Empires and Allies*.<sup>15</sup>

16 30. *The Sims Social* has received a number of awards, including the Social Networking  
 17 Game of the Year award at the 15th annual Interactive Achievement Awards,<sup>16</sup> and the 2011 Best  
 18 Browser Game award at the Gamescom trade fair awards show.<sup>17</sup>

19 31. There are a large number of online social games on Facebook. Of those games,  
 20 many fall within genres or categories of games. For example, there are now a variety of bubble

21 \_\_\_\_\_  
 22 <sup>13</sup> [http://allfacebook.com/sims-social-is-facebooks-fastest-growing-application\\_b56278](http://allfacebook.com/sims-social-is-facebooks-fastest-growing-application_b56278);  
 23 [http://allfacebook.com/facebook-fastest-growing\\_b60343](http://allfacebook.com/facebook-fastest-growing_b60343); <http://www.edge-online.com/news/sims-social-passes-30-million-users>.

24 <sup>14</sup> <http://latimesblogs.latimes.com/entertainmentnewsbuzz/2011/09/sims-social-surpasses-farmville-as-second-largest-facebook-game.html>.

25 <sup>15</sup> <http://www.gamezebo.com/news/2011/10/13/sims-social-stealing-players-zynga-other-sims-games>;  
 26 <http://blog.raptr.com/wp-content/uploads/2011/10/Raptr-Report-The-Sims-Social.pdf>.

27 <sup>16</sup> [http://www.interactive.org/images/press\\_release/IAA-2012-Winners-FINAL.pdf](http://www.interactive.org/images/press_release/IAA-2012-Winners-FINAL.pdf).

28 <sup>17</sup> <http://www.insidesocialgames.com/2011/08/22/gamescom-2011-roundup-social-mobile-highlights/>.

1 shooter games, farming games, mafia RPG games, restaurant management games, and match-3  
 2 games. At the time *The Sims Social* launched in August 2011, EA is informed and believes and  
 3 therefore alleges that there were no other virtual person simulation games in which players'  
 4 customized characters could directly interact with their friends on Facebook.

5 **EA's U.S. Copyrights in *The Sims* Franchise**

6 32. EA owns the copyrights to the series of games in *The Sims* franchise developed by  
 7 EA's Maxis studio, including *The Sims Social*. EA's copyright registration certificates for a  
 8 representative cross-section of games within *The Sims* franchise — *The Sims*, *The Sims 2*, *The*  
 9 *Sims 3*, *MySims*, *The Sims Online*, and *The Sims Social* — are attached hereto as Exhibit A.

10 **Zynga Is Widely Reported To Have Achieved Much Of Its Success In The Gaming Market**  
 11 **Through Cloning Competitors' Games.**

12 33. EA believes and therefore alleges that Zynga did not achieve its success in online  
 13 social gaming through creative game design and innovation. To the contrary, it is widely  
 14 reported, and EA believes and therefore alleges, that Zynga explicitly discourages innovation in  
 15 game design and instead watches successful games, plays and analyzes those games, and then  
 16 creates its own games that closely follow the games of its competitors. Zynga's practice is well  
 17 recognized,<sup>18</sup> and demonstrates that the substantial similarity between *The Sims Social* and *The*  
 18 *Ville* is not mere coincidence, but is the result of willful, intentional conduct that lies at the heart  
 19 of Zynga's business model.

20 34. Zynga's practice was prevalent in the company's earliest days.

21 35. For instance, *Mafia Wars* was one of Zynga's first games, released in August  
 22 2008. EA is informed and believes and therefore alleges that *Mafia Wars* closely resembled  
 23 Psycho Monkey's *Mob Wars* game, which was released in February 2008.

24 36. In 2009, *Mob Wars* developer Psycho Monkey sued Zynga for copying its *Mob*  
 25 *Wars* game. EA believes and therefore alleges that Zynga settled the copyright infringement  
 26 litigation filed by *Psycho Monkey*.

27 <sup>18</sup> <http://blog.games.com/2012/01/26/zynga-copycat-history/> (blog summarizing various Zynga  
 28 games that emulated earlier games by competitors).

37. Then, Zynga built and released *FarmVille*. EA is informed and believes and therefore alleges that *FarmVille* closely followed Slashkey's *FarmTown*, SocialApps' *myFarm*, and various other farming games from China.

38. After its launch, the gaming press described *FarmVille* as a copy of *FarmTown*, among others.<sup>19</sup>

39. The following is a graphic comparison of *Farmville* and *FarmTown* in 2009 as published by Inside Social Games.<sup>20</sup>

**Slashkey's *Farmtown* in 2009**



**Zynga's *FarmVille* in 2009**



40. In 2011, SocialApps sued *FarmVille* for copyright infringement, alleging that Zynga copied *myFarm*.

41. Zynga's practice of copying competitor games continued. In October 2009, Zynga released *Café World*, which closely resembled Playfish's *Restaurant City*, and in November 2009, Zynga released *FishVille*, which closely resembled Crowdstar's *Happy Aquarium*. The next month, Zynga followed with *PetVille*, which was a clone of Playfish's *Pet Society*.

42. With each of its early games that closely followed predecessor games, Zynga's user base grew. It continued to cross-promote each new game to that larger and larger group of users.

43. In 2010, SF Weekly magazine did an article profiling Zynga. The title of that

<sup>19</sup> [http://allfacebook.com/zynga-farmville\\_b6260](http://allfacebook.com/zynga-farmville_b6260) (describing Farmville as "almost an exact duplicate" of FarmTown).

<sup>20</sup> <http://www.insidesocialgames.com/2009/07/15/with-farmville-zynga-joins-the-facebook-farming-fray/>.

1 article was “FarmVillains” and it bore the headline describing Zynga’s strategy: “Steal someone  
2 else’s game. Change its name. Make millions. Repeat.”<sup>21</sup>

3 44. In the article, a former Zynga employee recounted that, at a meeting with Zynga’s  
4 CEO Mark Pincus, Pincus proclaimed “I don’t f[\*\*\*]ing want innovation. . . . You’re not smarter  
5 than your competitor. Just copy what they do and do it until you get their numbers.”<sup>22</sup>

6 45. Similarly, Business Insider published an article in January 2010 with the title  
7 “Zynga’s Secret to Success: Steal Great Ideas.” The article stated that the approach Zynga “has  
8 taken to becoming so successful” is to “[c]opy a competitor’s product, then crush the competitor.”  
9 The article contains a slide show with side-by-side comparisons of Zynga’s most popular games  
10 and the similar-looking games that preceded Zynga’s games.<sup>23</sup>

11 46. It has been alleged by others that Zynga’s practice of copying competitors’  
12 successful games continues to this day, and EA believes and therefore alleges that this has  
13 happened with *The Ville*.

14 47. In 2012, a small developer named Nimblebit publicly accused Zynga’s *Dream*  
15 *Heights* game of copying Nimblebit’s *Tiny Tower* game,<sup>24</sup> and developer Buffalo Studios has  
16 alleged that *Zynga Bingo* is a copy of Buffalo Studios’ game *Bingo Blitz*.<sup>25</sup> The following are  
17 comparisons of Nimblebit’s *Tiny Tower* and Zynga’s *Dream Heights*, and Buffalo Studios’ *Bingo*  
18 *Blitz* and Zynga’s *Zynga Bingo*.

23 <sup>21</sup> <http://www.sfweekly.com/2010-09-08/news/farmvillains/>.

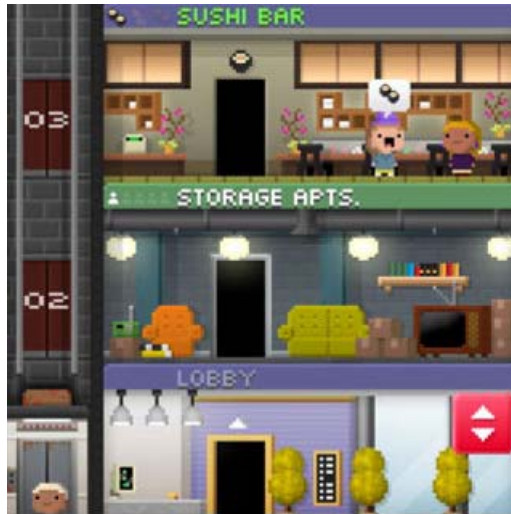
24 <sup>22</sup> *Id.*

25 <sup>23</sup> <http://www.businessinsider.com/how-zynga-is-just-like-microsoft-2010-1>.

26 <sup>24</sup> [http://mashable.com/2012/07/02/zynga-games-similar-to-others/#view\\_as\\_one\\_page-gallery\\_box6267](http://mashable.com/2012/07/02/zynga-games-similar-to-others/#view_as_one_page-gallery_box6267).

27 <sup>25</sup> <http://venturebeat.com/2012/01/29/buffalo-studios-blasts-zynga-for-copying-bingo-blitz-social-game/>.



Nimblebit's *Tiny Tower*Zynga's *Dream Heights*Buffalo Studios' *Bingo Blitz*Zynga's *Zynga Bingo*

48. A recent article on the website Mashable noted in documenting Zynga's history of copying competitors' games, "one company seems to perpetuate more unoriginal games than the rest: Zynga . . . Zynga's entire history has been rife with accusations of copying previous game ideas."<sup>26</sup>

49. Zynga's CEO Mark Pincus stated in a 2012 interview with the VentureBeat

<sup>26</sup> [http://mashable.com/2012/07/02/zynga-games-similar-to-others/#view\\_as\\_one\\_page-gallery\\_box6267](http://mashable.com/2012/07/02/zynga-games-similar-to-others/#view_as_one_page-gallery_box6267).

1 website in response to allegations that Zynga was copying *Bingo Blitz*: “I don’t think anyone  
2 should be surprised when they see us come out with games that they’ve seen before, a decade or  
3 more ago. I don’t think there are a lot of totally new games that are invented.”<sup>27</sup>

4 50. But in fact, *The Sims* was a “totally new game” that was invented by EA’s Maxis  
5 studio and which contains highly creative and original expressive elements. Moreover, *The Sims*  
6 has spawned a franchise that has stood out as unique and innovative for more than 20 years, up  
7 through and including *The Sims Social*.

8 51. Then, in *The Sims Social*, EA translated the innovative, original expressive  
9 elements of *The Sims* to the Facebook platform to create a new and original online social game  
10 for which EA owns the copyright.

11 52. *The Ville* is just the latest in this long history of Zynga watching successful games,  
12 copying them, and then promoting them to Zynga’s user base.

13 **Zynga Had Access To Both Confidential and Public Information Regarding *The Sims Social***

14 53. With *The Ville*, however, Zynga went one step further, by targeting and hiring  
15 away a number of high level executives from EA who had access to highly sensitive, internal EA  
16 information about the development of *The Sims Social*.

17 54. In the Spring and Summer of 2011, when *The Sims Social* was in its final stages of  
18 development and EA was preparing its rollout, Zynga hired EA’s Chief Operating Officer John  
19 Schappert to become Zynga’s Chief Operating Officer. Mr. Schappert was a 15-year veteran of  
20 EA. Mr. Schappert was then the most senior executive responsible for EA’s online social gaming  
21 business. The online social gaming business divisions reported directly to Mr. Schappert, and he  
22 was directly responsible for designing and implementing EA’s competitive strategies in this  
23 market. As such, Mr. Schappert had detailed, internal strategic plans and development  
24 information related to EA’s effort to bring *The Sims* franchise to Facebook with *The Sims Social*.

25 55. After hiring Mr. Schappert, after learning about the anticipated launch of *The Sims*  
26 *Social*, and only weeks before *The Sims Social* actually launched, Zynga hired Jeff Karp, an 11-

27  
28 <sup>27</sup> <http://venturebeat.com/2012/01/31/zynga-mark-pincus-copycat-interview/>.



1 year EA veteran who headed EA's casual games division ("EA Play"). In this role, Mr. Karp was  
 2 the leader of the division responsible for *The Sims* franchise. Mr. Karp had access to detailed  
 3 information about Maxis' development of that game, including information about design  
 4 decisions during the development process.

5 56. Then, in early 2012, Zynga hired Barry Cottle, who was then EA's Senior Vice  
 6 President in charge of the EA Interactive division responsible for social, mobile, and online  
 7 games at EA. Mr. Cottle was then the senior executive directly responsible for EA's social game  
 8 development and publishing business (*i.e.*, games on Facebook), and thus was the person at EA  
 9 most responsible for competing with Zynga in that space. In this role, Mr. Cottle had access to  
 10 detailed information about the strategy, design, and development for *The Sims Social*.

11 57. Thus, by early 2012, Zynga had targeted and hired away three of EA's top  
 12 executives who had access to the most sensitive design, development, and strategic information  
 13 about *The Sims Social*.

14 58. EA is further informed and believes that Zynga accessed the released version of  
 15 *The Sims Social*, which was widely disseminated on the Facebook platform.

16 **Zynga's *The Ville* Copies The Protectable Original Expression of *The Sims Social***

17 59. On June 26, 2012, Zynga released *The Ville* for Facebook.<sup>28</sup> *The Ville* copies the  
 18 original, creative expression and distinctive audio-visual elements of *The Sims Social*, *i.e.*, the  
 19 game's animation sequences, visual arrangements, characters' motions and actions, and other  
 20 unique audio-visual elements.

21 60. As a result of Zynga's extensive copying, *The Ville* and *The Sims Social* are  
 22 substantially similar in their total concept and feel. Every key element that has made *The Sims*  
 23 series, and *The Sims Social*, so original and unique has been replicated by Zynga in *The Ville*.

24 61. The similarities are not hard to miss. Indeed, reviews of *The Ville* almost  
 25 uniformly and immediately commented on how the game is a clone of *The Sims Social*. For  
 26 example, the Kotaku gaming website noted, *The Ville*

27 <sup>28</sup> Zynga also announced future plans to launch the game on its own website, Zynga.com.  
 28 <http://www.joystiq.com/2012/06/26/the-ville-is-latest-from-zynga-spiritual-successor-to-yoville/>.

1 crib[s] heavily from EA's hugely popular *The Sims Social*. . . . The setup of *The*  
 2 *Ville* is essentially identical to *The Sims Social*. You'll make a character, to  
 3 whom you can assign any of a number of physical traits. You can also customize  
 4 his or her clothing, and then immediately begin building a "dream home" in  
 5 which to spend time. This character is tied to your Facebook account, and so is  
 6 also connected to any of your Facebook friends who play *The Ville*. . . .  
 7 Where *The Ville* most resembles *The Sims Social* is in the interpersonal  
 8 relationships you can build up with your Facebook friends. You can invite your  
 9 neighbors over to your house at any time, and by doing activities with them, you'll  
 10 build up your relationship.<sup>29</sup>

11 Similarly, the gaming website Gamezebo stated that

12 It's hard to play *The Ville* without feeling some wholesale déjà vu. . . . [E]very  
 13 trait that has made *The Sims* iconic has been rehashed by Zynga. Characters  
 14 in *The Ville* communicate via pictographs and a garbled language. Even their  
 15 bodily gestures are eerily similar to what you find in *The Sims*.<sup>30</sup>

16 62. The website All Things Digital noted in reviewing *The Ville* that "it looks  
 17 shockingly similar to Electronic Arts' *The Sims Social*, and frankly, at times, it is hard to tell the  
 18 two apart."<sup>31</sup> The website Mashable likewise commented that "at first glance, *The Ville* bears  
 19 such a striking resemblance to *The Sims* we'd be surprised if the average person could tell the  
 20 difference between the two games."<sup>32</sup> Mashable further commented that "it was hard not to ignore  
 21 the [*Ville*'s] glaring resemblances to one of the longest running, most popular simulation games  
 22 ever: *The Sims*, especially EA's *Sims Social* for Facebook. In an area where Maxis and EA  
 23 planted their flag firmly, wouldn't it be hard to blatantly copy them? Apparently not."<sup>33</sup>

24 63. The similarities between *The Sims Social* and *The Ville* are widespread and  
 25 pervasive. The comparisons provided below are a representative list of these similarities. The  
 26 expressive audio-visual game elements of *The Sims Social* that Zynga has copied are highly  
 27 original and creative, are not "stock" or "standard" within the social gaming genre, and are not

28 <sup>29</sup> <http://kotaku.com/5921307/zyngas-new-take-on-the-sims-launches-tomorrow-on-facebook>.

<sup>30</sup> <http://www.gamezebo.com/games/ville/review>.

<sup>31</sup> <http://allthingsd.com/20120626/zynga-taking-on-eas-sims-social-with-its-next-game-called-the-ville/>.

<sup>32</sup> <http://mashable.com/2012/06/26/zynga-the-ville/>.

<sup>33</sup> [http://mashable.com/2012/07/02/zynga-games-similar-to-others/#view\\_as\\_one\\_page-gallery\\_box6267](http://mashable.com/2012/07/02/zynga-games-similar-to-others/#view_as_one_page-gallery_box6267).

required by any concept or idea underlying the game. Zynga could have designed *The Ville* in innumerable different ways without copying EA's original, protectable expression.

### Character Creator

64. When playing *The Sims Social* and *The Ville*, the player creates a character to "live" within the world that they create for the game. In both games, the player has the opportunity to customize his or her character's appearance. The player may select the character's gender, hairstyle, skin tone, clothing, etc. The customized appearance of players in the two games is illustrated in images throughout this Complaint. This aspect of customizing a player's appearance is common in social games.

65. Even without taking into account this common attribute, there is substantial similarity between the character creator for *The Sims Social* and *The Ville*.

66. *The Ville* replicates various unique expressive elements of *The Sims Social*'s character creator.

67. For instance, *The Ville* copies six of the nine personality types in *The Sims Social*, with names slightly changed. Below are images from each game of personality types that may be selected, lined up to demonstrate their similarity.

#### *The Sims Social* personality types



#### *The Ville* personality types



68. Notably, the personality types in the original *Sims* were entirely different than those used in *The Sims Social* and copied in *The Ville*—they were neatness, outgoingness, activeness, playfulness, and niceness. In other words, nothing about the context of a person

simulation game required these specific personalities present in *The Sims Social* and *The Ville*.

69. Beyond simply copying the personality types, *The Ville* goes further by copying the distinctive animation in *The Sims Social* associated with the respective personality. This copying is further demonstrated in the video included on the DVD attached hereto as Exhibit B.

70. For instance, in the animation associated with selecting the “Villain” / “Scoundrel” personalities, the characters in both games are seen doing the same evil-scheming gesture.

*The Sims Social (Villain)*



*The Ville (Scoundrel)*



71. In the animation associated with selecting the “Creative” / “Artist” personalities, the characters in both games are seen writing on a notepad.

*The Sims Social (Creative)*



*The Ville (Artist)*



72. In the animation associated with selecting the “Socialite” / “Partier” personalities, the characters in both games are holding a glass of champagne.

*The Sims Social (Socialite)*



*The Ville (Partier)*



73. In the animation associated with selecting the “Tycoon” / “Mogul” personalities, the characters in both games are seen holding money.

*The Sims Social (Tycoon)*



*The Ville (Mogul)*





74. The character creators of both games not only have a similar look and feel to them, with a blue background, character rotation arrows, and green exit/play buttons, but *The Ville* even copies the exact same 8 skin tone options from *The Sims Social*.

### *The Sims Social*



### *The Ville*



### *The Sims Social* Skin Tones



### *The Ville* Skin Tones



75. The skin tones in both games have a corresponding RGB (red-green-blue) value, which is represented visually and numerically. RGB values range from 0 to 255, resulting in more than 16 million different color combinations. As demonstrated in the chart below, *The Ville* uses the same precise RGB values for its skin tones as does *The Sims Social*. There is an infinitesimally small chance that the use of the same RGB values for skin tone in *The Ville* as *The Sims Social* is mere coincidence.

R	249	248	237	242	226	204	178	153
G	231	214	199	192	167	137	106	82
B	215	194	174	170	130	97	70	51



76. When a user customizes a character in both *The Sims Social* and *The Ville*, the user can select different outfits for the character to wear. This is common in many online social games where players can customize their character or avatar. Players' choices of different outfits are depicted in images throughout this Complaint. In *The Sims Social*, however, EA categorized the different clothing options into five categories: Formal, Casual, Sleepwear, Swimwear and Sport. These categories are not typical of online social games, and are in no way required by the concept or idea of the underlying game. *The Ville* copied these five categories, with some minor name changes (e.g., "active" instead of "sport").

***The Sims Social***



***The Ville***



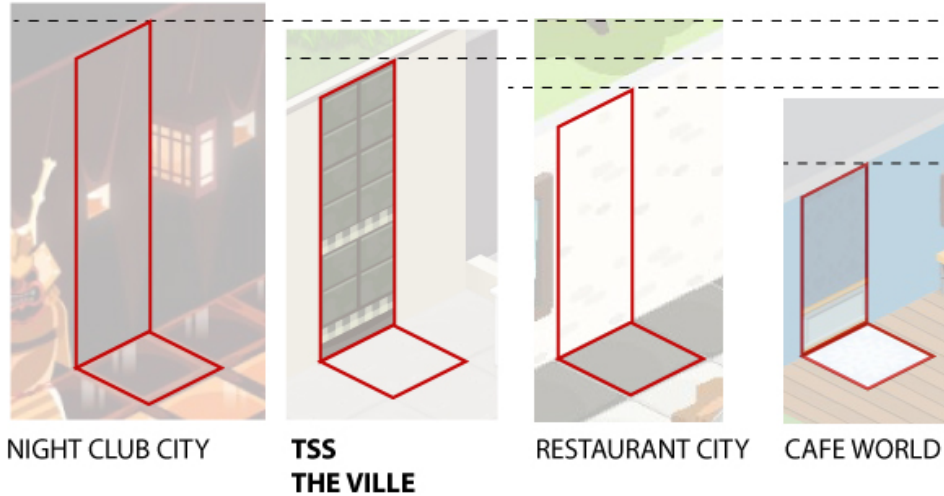
### Homes

77. As is the case with *The Sims*, in both *The Sims Social* and *The Ville* players have an isometric perspective over their characters' homes.

78. When a player begins playing both *The Sims Social* and *The Ville*, the player is given a "starter" home. The look and feel of the starter homes in both games is remarkably similar, as demonstrated by the following images. Both homes have two rooms of similar sizes, with a single white bathroom, a small kitchen with basic white appliances, a desk and a computer.

*The Sims Social Starter Home**The Ville Starter Home*

79. The basic dimensions of the home in the two games are also similar. *The Ville*, for instance, copies the exact height of a wall (in proportion to the floor) of a home in *The Sims Social*. The following image shows a comparison of different wall heights used in other games, including other Zynga games, as compared to the identical wall height in *The Sims Social* (displayed as “TSS”) and *The Ville*.



80. Just as a player in both games may customize his or her character, the player may also customize his or her home.

81. The player can decorate the starter home with different wallpaper, carpet, and furniture. The similarity of the homes a player creates in the two games will depend on the player's choices, but there are choices in each game that allow a player to create nearly identical homes.

82. Here are images demonstrating how player customization choices in the two games can lead to nearly identical homes and characters in each game.

*The Sims Social*

*The Ville*



83. Among the decorative elements that are a choice in *The Sims Social* and *The Ville*, it is apparent that Zynga used the EA art as a reference point. For example, the refrigerator shown above in *The Ville* starter house so closely resembles the refrigerator shown above in *The*



*Sims Social* starter house that they align almost perfectly with one another when overlapped.



84. Similarly, Zynga's cloning of *The Sims Social* is so pervasive that unique, fanciful objects in *The Sims Social* that players can purchase for their characters' homes are also available in *The Ville*. For instance, in both games players can purchase for their characters near-identical green yoga mats with white tree designs on the mat.

***The Sims Social***



***The Ville***



85. *The Ville* also copies how the player's home is displayed. *The Sims Social* has a unique feature whereby the player can take the walls of their home down. In both games, the player accesses this "walls down" feature by clicking on an icon with a flattened square. The player can put the walls back up in both games by clicking on a thicker square. Using these icons, the player can toggle between having all the walls of a home down, or showing the walls. Here are the selection toolbars for both modes in each game.

***The Sims Social***



***The Ville***



86. In the "walls down" mode in *The Sims Social*, windows and doors free float around the house. *The Ville* copies the "walls done" mode almost identically, replicating the unique and original look of the free-floating windows and doors.

*The Sims Social* (“Walls Down” Mode)*The Ville* (“Walls Down” Mode)

87. Zynga also copied *The Sims Social*’s use of home value.

88. When players in *The Sims Social* purchase new items or appliances for their homes or expand their homes, this can increase the home’s value. The value metric in *The Sims Social* is a house that resembles an upward arrow. As shown below, *The Ville* closely emulates the look and use of this distinctive metric.

***The Sims Social Home Value Metric  
When New TV Purchased***



***The Ville Home Value Metric  
When New TV Purchased***



89. Zynga also copies the manner in which the home value metric aggregates home value and is displayed to the user.

***The Sims Social***



***The Ville***



**Character Bodily Needs**

90. As in *The Sims*, in *The Sims Social* players must satisfy their character's bodily needs, including hygiene, bladder, sleep, and hunger needs. In *The Ville*, characters not only have these same bodily needs, but Zynga has closely replicated how those needs are both visually expressed and addressed.

91. For example, in *The Sims Social*, if a Sim needs to take a shower, green clouds appear around the Sim indicating a foul smell and a shower faucet appears in a thought bubble above the Sim's head. *The Ville* copies these unique images almost identically.

***The Sims Social Shower Need***



***The Ville Shower Need***





92. *The Ville* also copies the original and unique animation sequence associated with showering in *The Sims Social*. In both games, when the player decides to let the character take a shower, the player clicks on the shower stall, prompting nearly identical animation sequences depicting the character taking a shower — the character walks to the shower located in a corner, takes his or her clothes off with a fanciful spin or poof revealing the character in some undergarments, gets into the shower, the shower curtain or door closes, and steam rises to the top. The showering sequence is depicted in the following images, and the showering animation is also included on the DVD attached hereto as Exhibit B.

***The Sims Social Showering Sequence***



***The Ville Showering Sequence***



93. *The Ville* further copies the unique sleep animation sequence of *The Sims Social* — when a Sim is tired and needs to sleep, ZZZs will appear above the Sim's head, and the player can direct the Sim to a bed by clicking on the bed, where he or she will take off his or her clothes (again revealing undergarments) and go to sleep. This sequence is replicated almost identically in *The Ville*. The sleep sequence in the two games is depicted in the following and the sleep

animation sequences are also included in a video on the DVD attached hereto as Exhibit B.

***The Sims Social Sleep Sequence***



***The Ville Sleep Sequence***



94. Similarly, in both games when the characters feel the need to use the toilet, they make similar uncomfortable pigeon-toed stances, with thought bubbles indicating the need to use the toilet. In both games, the player then clicks on the toilet and the character dashes to relieve him or herself.

***The Sims Social***

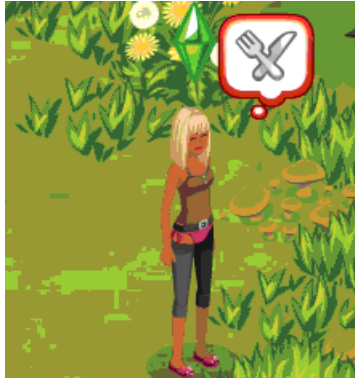


***The Ville***



95. Another need in both games is hunger. That need is expressed similarly in both games with thought bubbles regarding food and eating when a character is hungry.

*The Sims Social*



*The Ville*



### Character Interaction and Socialization

96. *The Ville* closely emulates the unique visual manner and style in which characters in *The Sims Social* socialize with one another. In both games, when a player decides to socialize with another character, there are several options. The player can click on another character who is already visiting his or her home and select from a menu of socializing options. Alternatively, the player can “visit” another player’s home through the leaderboard on the bottom of the page. Visiting other players within social games is very common. However, in *The Sims Social*, a player can also “invite over” another character through the leaderboard and that character then appears in the player’s house to socialize. This is depicted below. EA is informed and believes and therefore alleges that *The Sims Social* was unique in its use of this invitation vehicle for character interaction and engagement. *The Ville* copied this aspect of *The Sims Social* and also allows the player to invite other characters over through the leaderboard.



*The Sims Social**The Ville*

97. In both games, when a player clicks on another character to interact with that character, a player can select from various modes of interaction, a unique feature in *The Sims Social*. The player can, for example, choose to engage in friendly social interactions or romantic social interactions. In both games, the romantic interactions are separated from the friendly interactions by heart markings, and the interactive options vary depending on the level of relationship developed with that character. For example, in developing a romantic relationship, early interaction options include choices like flirting.

*The Sims Social**The Ville*

After a player's character flirts with another player, in both games, the player earns points towards that relationship. The points are expressed in a horizontal relationship meter at the

top of the screen that gradually fills up with more and more points from each interaction with that specific player.

*The Sims Social*



*The Ville*



Ultimately, in both games, once a player accumulates a certain number of points for a particular relationship, the player receives a notification that a notice may be sent to the other player requesting a changed relationship status, which will unlock new and different interactions. The following are examples of similar notifications to players of the potential change in relationship status.

*The Sims Social*



*The Ville*



Until a player has developed a more serious romantic relationship with another player, certain interactive options are not available. For example, in both games, a player cannot kiss or snuggle/cuddle another player until they have engaged in a certain amount of prior interaction. Below are images of the similar snuggle/cuddle options in both games:

*The Sims Social “Cuddling”**The Ville “Snuggling”*

And when a romantic relationship comes to an end, in both games players have the option to “break up” with another player, as depicted by the similar images below:

*The Sims Social**The Ville*

98. When socializing, characters in both games also engage in conversation or interaction with each other, animating in a similar style and showing speech and/or thought balloons above them. And as demonstrated in the video of this animation, included on the DVD



1 attached as Exhibit B, in *The Ville* the player hears a garbled language for its characters,  
 2 remarkably similar to Simlish in *The Sims Social*.

3 *The Sims Social*



*The Ville*



12 99. In both *The Sims Social* and *The Ville*, characters in the game also will interact  
 13 with one another on their own without the player's direction. During these interactions, they  
 14 again "talk" with pictograph bubbles, animate in substantially similar ways, and speak in nearly  
 15 identical gibberish languages.

16 100. Characters in both *The Sims Social* and *The Ville* can engage in the same activities  
 17 together, which are graphically expressed in a closely similar style. For example, characters in  
 18 both games dance with one another next to a stereo, surrounded by music notes (by selecting a  
 19 "Dance together" icon in each game).

20 *The Sims Social*



*The Ville*



26 101. Similarly, in both games characters can watch television together on the couch (by  
 27 selecting a "Watch TV together" in each game icon).  
 28

***The Sims Social******The Ville***

102. After watching TV with another character or engaging in other joint activities, players in both games have the option of sharing the news with their friends.

***The Sims Social******The Ville*****House Activities**

103. *The Ville* copies a number of household activities in which the players in *The Sims Social* engage.

104. For example, to get rid of wildlife around the house and yard in *The Sims Social*, players can have their characters take pictures of animals. This unique activity is known as collecting "artifacts." *The Ville* copies it identically.

*The Sims Social**The Ville*

**CLAIMS FOR RELIEF**  
**COUNT ONE – COPYRIGHT INFRINGEMENT**  
**(17 U.S.C. §§ 106 *et seq.* and 501)**

105. EA repeats and realleges each and every allegation above as if fully set forth herein.

106. EA's *The Sims Social* is an original, creative work that constitutes copyrightable subject matter under the Copyright Act, 17 U.S.C. § 101 *et seq.* EA has secured the exclusive rights and privileges in and to the above referenced copyrighted work, and in compliance with the law has received from the Register of Copyrights the appropriate certificate of registration, which constitute prima facie evidence of the validity of the copyrights in the work and of the facts stated in the certificate. At all relevant times, EA has owned all applicable rights, titles and interest in and to this copyrighted work.

107. By its actions alleged above, Zynga has infringed and will continue to infringe EA's copyrights in *The Sims Social* by, *inter alia*, copying, publicly displaying, and distributing *The Ville*, which is substantially similar to and derived from *The Sims Social*, without any authorization or other permission from EA. Zynga has violated EA's exclusive rights under 17 U.S.C. § 106.

108. On information and belief, Zynga's infringement of EA's copyrights has been deliberate, willful and in utter disregard of EA's rights.

109. Zynga has realized unjust profits, gains and advantages as a proximate result of its infringement, and will continue to realize unjust profits, gains and advantages as a proximate result of its infringement as long as such infringement is permitted to continue.

110. As a direct and proximate result of Zynga's willful copyright infringement, EA has suffered, and will continue to suffer actual damages. EA is entitled to its actual damages and any gains, profits, and advantages obtained by Zynga as a result of its acts of infringement and its use and publication of the copied materials, 17 U.S.C. § 504(b). Alternatively, at EA's election, it is entitled to an award of the maximum statutory damages as permitted by the Copyright Act, 17 U.S.C. § 504(c).

111. EA has no adequate remedy at law for the injuries currently being suffered, and the additional injuries that are threatened, and Zynga will continue to engage in its wrongful conduct and EA will continue to suffer irreparable injury that cannot be adequately remedied at law unless Zynga is enjoined from engaging in any further such acts of infringement. EA is entitled to an injunction restraining Zynga from engaging in any further such acts in violation of the United States copyright laws, 17 U.S.C. § 502.

### **PRAYER FOR RELIEF**

**WHEREFORE**, EA prays for judgment against Zynga and for the following relief:

- a. A preliminary and/or permanent injunction restraining Zynga, and its agents, servants, employees, attorneys, successors and assigns, and all persons, firms and corporations acting in concert with them, from directly or indirectly violating EA's rights under the Copyright Act;

- ## DEMAND FOR JURY TRIAL

DATED: August 3, 2012

By: Carolyn H. Luedtke  
Carolyn Hoecker Luedtke



# Exhibit A

# Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, *United States Code*, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

*Maria A. Pallante*

Register of Copyrights, United States of America

**Registration Number**  
**PA 1-750-643**

**Effective date of  
registration:**  
September 20, 2011

## Title

**Title of Work:** The Sims Social (online game)

## Completion/Publication

**Year of Completion:** 2011

**Date of 1st Publication:** August 9, 2011

**Nation of 1st Publication:** United States

## Author

■ **Author:** Electronic Arts Inc.

**Author Created:** Computer game software including audiovisual material.

**Work made for hire:** Yes

**Citizen of:** United States

**Domiciled in:** United States

## Copyright claimant

**Copyright Claimant:** Electronic Arts Inc.

209 Redwood Shores Parkway, Redwood City, CA, 94065, United States

## Certification

**Name:** Mimi Parayno

**Date:** September 20, 2011

## CERTIFICATE OF REGISTRATION



OFFICIAL SEAL

This Certificate issued under the seal of the Copyright Office in accordance with title 17, United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

*Marybeth Peters*

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For a Work of the Performing Arts  
UNITED STATES COPYRIGHT OFFICE

PA 983-526



EFFECTIVE DATE OF REGISTRATION

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Month Day Year

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

## 1 TITLE OF THIS WORK ▼

The Sims<sup>TM</sup> (for MS-DOS CD-ROM)

## PREVIOUS OR ALTERNATIVE TITLES ▼

## NATURE OF THIS WORK ▼ See Instructions

Multimedia CD-ROM

## 2 a NAME OF AUTHOR ▼

Maxis (a division of Electronic Arts Inc.)

Was this contribution to the work a  
"work made for hire"?

☒ Yes☐ No

## AUTHOR'S NATIONALITY OR DOMICILE

Name of Country

USA

OR { Citizen of ►  
Domiciled in ►

## DATES OF BIRTH AND DEATH

Year Born ▼

Year Died ▼

## WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK

Anonymous? ☐ Yes ☒ NoPseudonymous? ☐ Yes ☒ No

If the answer to either  
of these questions is  
"Yes," see detailed  
instructions.

NATURE OF AUTHORSHIP Briefly describe nature of material created by this author in which copyright is claimed. ▼  
audiovisual material and computer program

## b NAME OF AUTHOR ▼

Was this contribution to the work a  
"work made for hire"?

☐ Yes☐ No

## AUTHOR'S NATIONALITY OR DOMICILE

Name of Country

OR { Citizen of ►  
Domiciled in ►

## DATES OF BIRTH AND DEATH

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of these questions is  
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instructions.

NATURE OF AUTHORSHIP Briefly describe nature of material created by this author in which copyright is claimed. ▼

## c NAME OF AUTHOR ▼

Was this contribution to the work a  
"work made for hire"?

☐ Yes☐ No

## AUTHOR'S NATIONALITY OR DOMICILE

Name of Country

OR { Citizen of ►  
Domiciled in ►

## DATES OF BIRTH AND DEATH

Year Born ▼

Year Died ▼

## WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK

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in all cases.

4 b DATE AND NATION OF FIRST PUBLICATION OF THIS PARTICULAR WORK  
Complete this information  
ONLY if this work  
has been published.  
Month ► February Day ► 1 Year ► 2000  
USA

4 COPYRIGHT CLAIMANT(S) Name and address must be given even if the claimant is the same as the author given in space 2. ▼

Electronic Arts Inc.  
209 Redwood Shores Parkway  
Redwood City, CA 94065

TRANSFER If the claimant(s) named here in space 4 is (are) different from the author(s) named in space 2, give a brief statement of how the claimant(s) obtained ownership of the copyright. ▼

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PREVIOUS REGISTRATION Has registration for this work, or for an earlier version of this work, already been made in the Copyright Office?

☐ Yes ☒ No If your answer is "Yes," why is another registration being sought? (Check appropriate box.) ▼
a. ☐ This is the first published edition of a work previously registered in unpublished form.b. ☐ This is the first application submitted by this author as copyright claimant.c. ☐ This is a changed version of the work, as shown by space 6 on this application.

If your answer is "Yes," give: Previous Registration Number ▼

Year of Registration ▼

DERIVATIVE WORK OR COMPILATION Complete both space 6a and 6b for a derivative work; complete only 6b for a compilation.  
Preexisting Material Identify any preexisting work or works that this work is based on or incorporates. ▼

none

See instructions  
before completing  
this space.

Material Added to This Work Give a brief, general statement of the material that has been added to this work and in which copyright is claimed. ▼

n/a

DEPOSIT ACCOUNT If the registration fee is to be charged to a Deposit Account established in the Copyright Office, give name and number of Account.  
Name ▼ Account Number ▼

ELECTRONIC ARTS INC.

DA 075612

CORRESPONDENCE Give name and address to which correspondence about this application should be sent. Name/Address/Apt/City/State/ZIP ▼

Electronic Arts Inc.

209 Redwood Shores Parkway

Redwood City, CA 94065

attn: Sue Garfield

Area code and daytime telephone number ▶ ( 650 ) 628-7416

Fax number ▶ ( 650 ) 628-1422

Email ▶ sgarfield@ea.com

CERTIFICATION\* I, the undersigned, hereby certify that I am the (check only one) ▼

☐ author☐ owner of exclusive right(s)☐ other copyright claimant☒ authorized agent of copyright claimant

Name of author or other copyright claimant, or owner of exclusive right(s) ▲

of the work identified in this application and that the statements made by me in this application are correct to the best of my knowledge.

Typed or printed name and date ▼ If this application gives a date of publication in space 3, do not sign and submit it before that date.

Sue Garfield

Date ▶ 2-2-08

Handwritten signature (X) ▼

x

MAIL  
CERTIFI-  
CATE TOCertificate  
will be  
mailed in  
window  
envelope

Name ▼

Electronic Arts Inc.,  
attn: Sue Garfield

Number/Street/Apt ▼

209 Redwood Shores Parkway

City/State/ZIP ▼

Redwood City, CA 94065

**YOU MUST**

- Complete all necessary spaces
- Sign your application in space 8

**SEND ALL ELEMENTS  
IN THE SAME PACKAGE**

1. Application form  
2. Nonrefundable \$20\* filing fee in check or money order payable to *Register of Copyrights*  
3. Deposit material

**MAIL TO**  
Library of Congress  
Copyright Office  
101 Independence Avenue, S.E.  
Washington, D.C. 20559-6000

\*Regis-  
tration  
filing  
fees  
are ef-  
fective  
through  
June 30, 1999. For  
the latest fee in-  
formation, write to  
Copyright Office  
check the Copyr-  
ight Office Website  
<http://www.loc.gov/copyright/>, or c  
(202) 707-3000.





This Certificate issued under the seal of the Copyright Office in accordance with title 17, United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

*Marybeth Peters*

Register of Copyrights, United States of America

# FORM PA

For a Work of the Performing Arts  
UNITED STATES COPYRIGHT OFFICE

PA 1-249-278



WP8881249278

EFFECTIVE DATE OF REGISTRATION

10 04 2004  
Month Day Year

DO NOT WRITE ABOVE THIS LINE IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET

1

## TITLE OF THIS WORK ▼

The Sims 2 (for Windows CD-ROM)

## PREVIOUS OR ALTERNATIVE TITLES ▼

## NATURE OF THIS WORK ▼ See instructions

Multimedia CD ROM

2

a

## NAME OF AUTHOR ▼

Electronic Arts Inc

## DATES OF BIRTH AND DEATH

Year Born ▼ Year Died ▼

Was this contribution to the work a work made for hire?

☒ Yes  
☐ No

## AUTHOR'S NATIONALITY OR DOMICILE

Name of Country

OR Citizen of USA  
Domiciled in

## WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK

Anonymous? ☐ Yes ☒ No  
Pseudonymous? ☐ Yes ☒ No

If the answer to either of these questions is "Yes," see detailed instructions.

## NATURE OF AUTHORSHIP Briefly describe nature of material created by this author in which copyright is claimed ▼

Computer program, audiovisual material and software code

## NOTE

Under the law the author of a work made for hire is generally the employer not the employee (see instructions). For any part of this work that was made for hire check Yes in the space provided give the employer (or other person for whom the work was prepared) as "Author" of that part and leave the space for dates of birth and death blank.

b

## NAME OF AUTHOR ▼

Was this contribution to the work a work made for hire?

☐ Yes  
☐ No

## AUTHOR'S NATIONALITY OR DOMICILE

Name of Country

OR Citizen of  
Domiciled in

## DATES OF BIRTH AND DEATH

Year Born ▼ Year Died ▼

## WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK

Anonymous? ☐ Yes ☐ No  
Pseudonymous? ☐ Yes ☐ No

If the answer to either of these questions is "Yes," see detailed instructions.

## NATURE OF AUTHORSHIP Briefly describe nature of material created by this author in which copyright is claimed ▼

c

## NAME OF AUTHOR ▼

Was this contribution to the work a work made for hire?

☐ Yes  
☐ No

## AUTHOR'S NATIONALITY OR DOMICILE

Name of Country

OR Citizen of  
Domiciled in

## DATES OF BIRTH AND DEATH

Year Born ▼ Year Died ▼

## WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK

Anonymous? ☐ Yes ☐ No  
Pseudonymous? ☐ Yes ☐ No

If the answer to either of these questions is "Yes," see detailed instructions.

## NATURE OF AUTHORSHIP Briefly describe nature of material created by this author in which copyright is claimed ▼

3

a

## YEAR IN WHICH CREATION OF THIS WORK WAS COMPLETED

2004

This information must be given in all cases.

## DATE AND NATION OF FIRST PUBLICATION OF THIS PARTICULAR WORK

Complete this information ONLY if this work has been published. Month September Day 10 Year 2004

United Kingdom

Nation

4

See instructions before completing this space

## COPYRIGHT CLAIMANT(S) Name and address must be given even if the claimant is the same as the author given in space 2 ▼

Electronic Arts Inc  
209 Redwood Shores Pkwy  
Redwood City CA 94065

## TRANSFER If the claimant(s) named here in space 4 is (are) different from the author(s) named in space 2, give a brief statement of how the claimant(s) obtained ownership of the copyright. ▼

## APPLICATION RECEIVED

OCT 04 2004

## ONE DEPOSIT RECEIVED

OCT 04 2004

## TWO DEPOSITS RECEIVED

## FUNDS RECEIVED

MORE ON BACK ►

Complete all applicable spaces (numbers 5-9) on the reverse side of this page. See detailed instructions. Sign the form at line 8

DO NOT WRITE HERE  
Page 1 of 2 pages

EXAMINED BY 

FORM PA

CHECKED BY

☐ CORRESPONDENCE

Yes

FOR  
COPYRIGHT  
OFFICE  
USE  
ONLY

DO NOT WRITE ABOVE THIS LINE IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET

PREVIOUS REGISTRATION Has registration for this work, or for an earlier version of this work, already been made in the Copyright Office?

☐ Yes ☒ No If your answer is "Yes," why is another registration being sought? (Check appropriate box) ▼ If your answer is No, do not check box A, B or C.a. ☐ This is the first published edition of a work previously registered in unpublished formb. ☐ This is the first application submitted by this author as copyright claimantc. ☐ This is a changed version of the work, as shown by space 6 on this application

If your answer is Yes give Previous Registration Number ▼

Year of Registration ▼

5

DERIVATIVE WORK OR COMPILATION Complete both space 6a and 6b for a derivative work complete only 6b for a compilation.  
Preexisting Material Identify any preexisting work or works that this work is based on or incorporates ▼

a

6

See instructions  
before completing  
this space

Material Added to This Work Give a brief general statement of the material that has been added to this work and in which copyright is claimed ▼

b

DEPOSIT ACCOUNT If the registration fee is to be charged to a Deposit Account established in the Copyright Office, give name and number of Account  
Name ▼ Account Number ▼

a

7

ELECTRONIC ARTS INC

DA 075612

CORRESPONDENCE Give name and address to which correspondence about this application should be sent. Name/Address/Apt/City/State/ZIP ▼

b

Lettecia M Rayson  
Electronic Arts Inc  
209 Redwood Shores Parkway  
Redwood City CA 94065

Area code and daytime telephone number ( 650 ) 628 5459

Fax number ( 650 ) 628 1422

Email lrayson@ea.com

CERTIFICATION\* I the undersigned, hereby certify that I am the

Check only one ▶

☐ author☐ other copyright claimant☐ owner of exclusive right(s)☒ authorized agent of Electronic Arts Inc

Name of author or other copyright claimant, or owner of exclusive right(s) ▲

of the work identified in this application and that the statements made by me in this application are correct to the best of my knowledge

8

Typed or printed name and date ▼ If this application gives a date of publication in space 3 do not sign and submit it before that date

Lettecia M Rayson

Date

9/30/04

Handwritten Signature (X) ▼

Certificate  
will be  
mailed in  
window  
envelope  
to this  
address

Name ▼

Electronic Arts Inc c/o Lettecia M Rayson

Number/Street/Apt ▼

209 Redwood Shores Parkway

City/State/ZIP ▼

Redwood City CA 94065

Complete all necessary spaces  
Sign your application in space 81. Application form  
2. Non-refundable filing fee in check or money  
order payable to Registrar of Copyrights  
3. Deposit materialLibrary of Congress  
Copyright Office  
101 Independence Avenue, S.E.  
Washington D.C. 20559-6000Fees are subject to  
change. For current  
fees, check the  
Copyright Office  
website at  
www.copyright.gov,  
write the Copyright  
Office, or call  
(202) 707-5900.

9

## Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, *United States Code*, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

*Marybeth Peters*

Register of Copyrights, United States of America

Registration Number  
PA 1-672-202

Effective date of  
registration:

June 26, 2009

Title

**Title of Work:** The Sims 3 (for Windows and MAC DVD-ROM)

**Nature of Work:** Computer game software including audiovisual material

Completion/ Publication

**Year of Completion:** 2009

**Date of 1st Publication:** May 26, 2009

**Nation of 1st Publication:** United States

Author

■ **Author:** Electronic Arts Inc.

**Author Created:** Computer program, audiovisual material.

**Work made for hire:** Yes

**Citizen of:** United States

**Anonymous:** No

**Pseudonymous:** No

Copyright claimant

**Copyright Claimant:** Electronic Arts Inc.

209 Redwood Shores Parkway, Redwood City, CA, 94065

Limitation of copyright claim

**Previously registered:** No

Certification

**Name:** Mariann Tam

**Date:** June 24, 2009

# CERTIFICATE OF REGISTRATION



OFFICIAL SEAL

This Certificate issued under the seal of the Copyright Office in accordance with title 17, United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

*Marybeth Peters*

REGISTER OF COPYRIGHTS  
United States of America

## FORM PA

For a Work of the Performing Arts  
UNITED STATES COPYRIGHT OFFICE

PA 1-131-078



EFFECTIVE DATE OF REGISTRATION

Month 12 Day 23 Year 02

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

1

### TITLE OF THIS WORK ▼

The Sims Online (for Windows CD-ROM)

### PREVIOUS OR ALTERNATIVE TITLES ▼

### NATURE OF THIS WORK ▼ See instructions

Multimedia CD-ROM

2

### NAME OF AUTHOR ▼

Electronic Arts Inc.

### DATES OF BIRTH AND DEATH

Year Born ▼ Year Died ▼

Was this contribution to the work a "work made for hire"?

☒ Yes  
☐ No

### AUTHOR'S NATIONALITY OR DOMICILE

Name of Country

OR Citizen of USA  
Domiciled in \_\_\_\_\_

### WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK

Anonymous? ☐ Yes ☒ No  
Pseudonymous? ☐ Yes ☒ No

If the answer to either of these questions is "Yes," see detailed instructions.

### NATURE OF AUTHORSHIP Briefly describe nature of material created by this author in which copyright is claimed. ▼

Audiovisual material and computer program.

## NOTE

Under the law, the "author" of a "work made for hire" is generally the employer, not the employee (see instructions). For any part of this work that was "made for hire" check "Yes" in the space provided, give the employer (or other person for whom the work was prepared) as "Author" of that part, and leave the space for dates of birth and death blank.

### NAME OF AUTHOR ▼

Was this contribution to the work a "work made for hire"?

☐ Yes  
☐ No

### AUTHOR'S NATIONALITY OR DOMICILE

Name of Country

OR Citizen of \_\_\_\_\_  
Domiciled in \_\_\_\_\_

### DATES OF BIRTH AND DEATH

Year Born ▼ Year Died ▼

### WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK

Anonymous? ☐ Yes ☐ No  
Pseudonymous? ☐ Yes ☐ No

If the answer to either of these questions is "Yes," see detailed instructions.

### NATURE OF AUTHORSHIP Briefly describe nature of material created by this author in which copyright is claimed. ▼

### NAME OF AUTHOR ▼

Was this contribution to the work a "work made for hire"?

☐ Yes  
☐ No

### AUTHOR'S NATIONALITY OR DOMICILE

Name of Country

OR Citizen of \_\_\_\_\_  
Domiciled in \_\_\_\_\_

### DATES OF BIRTH AND DEATH

Year Born ▼ Year Died ▼

### WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK

Anonymous? ☐ Yes ☐ No  
Pseudonymous? ☐ Yes ☐ No

If the answer to either of these questions is "Yes," see detailed instructions.

### NATURE OF AUTHORSHIP Briefly describe nature of material created by this author in which copyright is claimed. ▼

3

### YEAR IN WHICH CREATION OF THIS WORK WAS COMPLETED

2002

This information must be given in all cases.

### DATE AND NATION OF FIRST PUBLICATION OF THIS PARTICULAR WORK

Complete this information ONLY if the work has been published.

Month December Day 17 Year 2002

USA

Nation

4

### COPYRIGHT CLAIMANT(S) Name and address must be given even if the claimant is the same as the author given in space 2. ▼

Electronic Arts Inc.  
209 Redwood Shores Pkwy  
Redwood City CA 94065

### TRANSFER If the claimant(s) named here in space 4 is (are) different from the author(s) named in space 2, give a brief statement of how the claimant(s) obtained ownership of the copyright. ▼

DO NOT WRITE HERE  
OFFICE USE ONLY

APPLICATION RECEIVED  
**DEC 23 2002**

ONE DEPOSIT RECEIVED  
**DEC 23 2002**

TWO DEPOSITS RECEIVED

FUNDS RECEIVED

### MORE ON BACK ►

- Complete all applicable spaces (numbers 5-9) on the reverse side of this page.
- See detailed instructions.
- Sign the form at line 8.

DO NOT WRITE HERE

Page 1 of \_\_\_\_\_ pages



EXAMINED BY

FORM PA

CHECKED BY

CORRESPONDENCE

Yes

FOR  
COPYRIGHT  
OFFICE  
USE  
ONLY

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

PREVIOUS REGISTRATION Has registration for this work, or for an earlier version of this work, already been made in the Copyright Office?

☒ Yes ☐ No If your answer is "Yes," why is another registration being sought? (Check appropriate box.) ▼ If your answer is No, do not check box A, B, or C.a. ☐ This is the first published edition of a work previously registered in unpublished form.b. ☐ This is the first application submitted by this author as copyright claimant.c. ☒ This is a changed version of the work, as shown by space 6 on this application.

If your answer is "Yes," give: Previous Registration Number ▼

PA 983-526

Year of Registration ▼

2000

DERIVATIVE WORK OR COMPILATION Complete both space 6a and 6b for a derivative work; complete only 6b for a compilation.  
Preexisting Material Identify any preexisting work or works that this work is based on or incorporates. ▼

Pre-existing code &amp; audiovisual material.

Material Added to This Work Give a brief, general statement of the material that has been added to this work and in which copyright is claimed. ▼  
New code & audiovisual material.DEPOSIT ACCOUNT If the registration fee is to be charged to a Deposit Account established in the Copyright Office, give name and number of Account.  
Name ▼ Account Number ▼

ELECTRONIC ARTS INC.

DA 075612

CORRESPONDENCE Give name and address to which correspondence about this application should be sent. Name/ Address/ Apt/City/State/ZIP ▼

Lisa Tensfeldt

Electronic Arts Inc.

209 Redwood Shores Parkway

Redwood City CA 94065

Area code and daytime telephone number ( 650 ) 628-7545

Fax number ( 650 ) 628-1422

Email ltensfeldt@ea.com

CERTIFICATION\* I, the undersigned, hereby certify that I am the

Check only one ▶

☐ author☐ other copyright claimant☐ owner of exclusive right(s)☒ authorized agent of Electronic Arts Inc.

Name of author or other copyright claimant, or owner of exclusive right(s) ▲

of the work identified in this application and that the statements made by me in this application are correct to the best of my knowledge.

Typed or printed name and date ▼ If this application gives a date of publication in space 3, do not sign and submit it before that date.

Lisa Tensfeldt

Date 12/17/02

Handwritten signature (X) ▼

x

Certificate  
will be  
mailed in  
window  
envelope  
to this  
address:

Name ▼

Electronic Arts Inc. c/o Lisa Tensfeldt

Number/Street/Apt ▼

209 Redwood Shores Parkway

City/State/ZIP ▼

Redwood City CA 94062

YOU MUST  
• Complete all necessary spaces  
• Sign your application in space 8SEND TO:  
IN THE SEN. BLDG.1. Application form  
2. Nonrefundable filing fee in check or money  
order payable to Register of Copyrights  
3. Deposit materialMAIL TO:  
Library of Congress  
Copyright Office  
101 Independence Avenue, S.E.  
Washington, D.C. 20559-6000Fees are subject to  
change. For current  
fees, check the  
Copyright Office  
website at  
www.copyright.gov,  
write the Copyright  
Office, or call  
(800) 771-0700.

\*17 U.S.C. § 506(e): Any person who knowingly makes a false representation of a material fact in the application for copyright registration provided for by section 409, or in any written statement filed in connection with the application, shall be fined not more than \$2,500.

## Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, *United States Code*, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

*Marybeth Peters*

Register of Copyrights, United States of America

**Registration Number:**  
PA 1-636-528

**Effective date of  
registration:**  
November 17, 2008

**Title** \_\_\_\_\_

**Title of Work:** MySims (for Windows DVD-ROM)

**Nature of Work:** Computer game software including audiovisual material

**Completion/ Publication** \_\_\_\_\_

**Year of Completion:** 2008

**Date of 1st Publication:** October 24, 2008

**Nation of 1st Publication:** United Kingdom

**Author** \_\_\_\_\_

■ **Author:** Electronic Arts Inc.

**Author Created:** Computer program, audiovisual material.

**Work made for hire:** Yes

**Citizen of:** United States

**Anonymous:** No

**Pseudonymous:** No

**Copyright claimant** \_\_\_\_\_

**Copyright Claimant:** Electronic Arts Inc.

209 Redwood Shores Parkway, Redwood City, CA 94065

**Limitation of copyright claim** \_\_\_\_\_

**Material excluded from this claim:** Portions of code & audiovisual material are pre-existing.

**Previously registered:** Yes

**Basis of current registration:** This is a changed version of the work.

**New material included in claim:** Additional code & audiovisual material.

**Certification** \_\_\_\_\_

**Name:** Mariann Tam

**Date:** November 12, 2008

---

**Copyright Office notes:** Regarding previous registration: the application gives "MySims (for the Wii) Applied for December 5, 2007" as the registration number and year information.

# **Exhibit B**



**DVD provided to Court.**